

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

ESTATE OF ROLAND ROHM, by its
Personal Representative, Geraldine Livermore,

Plaintiff,

v.

Case No. 1:04-cv-552
Hon. Richard A. Enslen

DANIEL LUBELAN, individually,
JERRY ELLSWORTH, individually,
jointly and severally,

Defendants.

THE KEANE LAW FIRM
By: Christopher J. Keane (P 46920)
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MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
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Mark A. Donnelly (P 39281)
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**JOINT MOTION TO ADJOURN CASE EVALUATION AND
OTHER CASE MANAGEMENT DATES PENDING
DECISION ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

NOW COME Plaintiffs and Defendants, jointly through their respective lawyers,
and request adjournment of the case evaluation date and modification of the Case
Management Order entered in this cause of action pending this Honorable Court's
decision on the Defendants' Motion for Summary Judgment.

1. Defendants filed a dispositive motion to dismiss all claims against all parties on November 29, 2005, and Plaintiff's response was filed January 9, 2006, in accordance with the dates set forth in the Case Management Order, as amended.
2. That the parties are awaiting the Court's decision on the motion.
3. That the Case Evaluation Hearing is set for February 21, 2006.
4. That should the Court grant Defendant's dispositive motion in whole or in part, the case evaluation process would be of no consequence or could be substantially limited in its scope.
5. That the parties will incur substantial time as well as significant costs in connection with the case evaluation process.
6. That judicial resources, including the professional time of the case evaluators, will best be served by adjourning the Case Evaluation Hearing until after the Court's decision on the dispositive motion.
7. That various other dates, including the settlement conference date of March 10, 2006, the final pretrial order due date of April 13, 2006, the final pretrial of April 20, 2006,

and the trial term set for May, 2006, would be similarly affected by this Court's decision on the dispositive motion.

WHEREFORE, the parties jointly request adjournment of the Case Evaluation Hearing pending this Court's decision on Defendant's Motion for Summary Disposition and consideration by the Court of modifying its Case Management Order with respect to the following dates:

- Settlement conference scheduled for March 10, 2006
- Final pretrial order due April 13, 2006
- Final pretrial scheduled for April 20, 2006
- Trial term scheduled for May, 2006

Respectfully submitted,

THE KEANE LAW FIRM

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MICHIGAN DEPARTMENT OF
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/s/ Mark A. Donnelly (P 39281)
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Dated: February 15, 2006

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

ESTATE OF ROLAND ROHM, by its
Personal Representative, Geraldine Livermore,

Plaintiff,

v.

Case #: 03-74831
Hon. Richard A. Enslen

DANIEL LUBELAN, individually,
JERRY ELLSWORTH, individually,
jointly and severally,

Defendants.

THE KEANE LAW FIRM
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**ORDER ADJOURNING CASE EVALUATION AND
OTHER CASE MANAGEMENT DATES**

At a session of this Court held in _____

On the _____ day of _____, 2006

Hon. _____, presiding.

Upon reading and filing of the joint motion requesting adjournment of the
case evaluation date and modification of the Case Management Order, IT IS HEREBY

ORDERED that the following dates are adjourned:

Case Evaluation Hearing from February 21, 2006 to _____

Settlement conference from March 10, 2006 to _____

Final pretrial order from April 13, 2006 to _____

Final pretrial from April 20, 2006 to _____

Trial term from May, 2006 to _____

Judge